REMARKS

Claims 1, 6, 7-11, 12-18, and 20-21 have been rejected under 35 U.S.C.

103(a) as being unpatentable over Jamtgaard (U.S. Patent No. 6,430,624) in view

of Wanderski (U.S. Patent No. 6,519,617). Applicant traverses these rejections for

at least the following reasons.

35 U.S.C. §103(a) recites:

> [a] patent may not be obtained though the invention is
> not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have
> been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was
> made.

To establish a prima facie case of obviousness, three basic criteria must be

met. First, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the references or to combine reference teachings. Second, there

must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all claim limitations. The

teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on

applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.

1991). MPEP 706.02(j).

Claim 1 recites:

> **a transformation engine for dynamically transforming content** received from the content server in real time to a suitable format for the user device, and for routing the transformed content to the request handler interface for download to the requesting user device to complete a transaction initiated by the request for content, the transformation engine performing said transformation according to:
> **intention tags which are in the content and which capture non-presentation properties** of the content as intended by an author, including indicating relationships between blocks of content to be preserved in the transformed content,
> **task tags which are in the content and which indicate blocks of the content which are optional** or alternative for user device types, and
> **presentation tags indicating content presentation attributes**; and
> the transformation engine converts the content to a document object model (DOM) in which nodes correspond to document tags, and transforms the document object model by parsing tags indicating blocks of content and deciding on transformation on a block-by-block basis according to the task and intention tags.

Emphasis added.

The present office action recites the following with respect to "a

transformation engine for dynamically transforming content":

> FIG. 8 is a diagrammatic view illustrating more details of the XML engine 46. As described above, the XML engine 46 extracts content from dynamically changing XHTML information and generates a corresponding file, for example, an RML file, in accordance with predetermined rulesets. XSL rulesets define the transformation algorithms used to convert between formats, such as between XHTML and RML. An example of an XHTML document being converted into RML using an XSL rulesets is described below.
> In operation, the XML engine 46 may receive a page-type designated by URL, name/value pairs, and cookie

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> information and pages of XHTML information from the content connection handler 40. A URL/Rule hashtable module 112 may receive certain XSL rulesets from the database 47 that define how the information from the URL website is to be converted. Different XSL rulesets may be used depending on the format of the particular URL website from which original HTML page information has been received. In conjunction with the rulesets determined by the hashtable 112, an XSL transform processor 110 may convert the received XHTML, information to RML information that is provided to the layout engine 42 so that it can be converted into device and protocol specific mark-up language formats.

Jamtgaard, col. 10, line 48 through col. 11, line 3.

The present office action further recites, with reference to Figures 9 and 11, the following with respect to **"intention tags which are in the content and which capture non-presentation properties"**:

> <xsl:stylesheet
> xmlns:xsl="http://www.w3.org/1999/XSL/Transform">
> <xsl:template match="*.vertline./"><xsl:apply-
> templates/></xsl:template> <xsl:template
> match="text().vertline.@*"><xsl:value-of
> select="."/></xsl:tem- plate> <xsl:template
> match="html"> <rml> <head> <title><xsl:value-of
> select="//title"/></title> </head> <guide>
> <pane> <xsl:for-each select="body/p/a">

Jamtgaard, col. 11, lines 50-61;

and

> For example, an atomic may be a paragraph of text, a heading, a link to a news story, a picture, etc. Atomics may be grouped together to reveal relationships between them. Groups may be nested to form a complex relational hierarchy. These groups can be placed on cards so that customized presentation pages can be transmitted to a device 15.
> In operation, an RML document is received by the layout engine 42 from which the content cutter 72 cuts data classes that are not appropriate for the requesting device 15 to generate an XML document containing the cut content, device information that specifies the target

device, and protocol information that specifies the
target protocol.
Card creation will be described with reference to FIGS.
11-13. An example of a portion of an HTML web page
170 from the E-TRADE website is shown in FIG. 11. In
the Figure, the innermost dashed boxes designate
atomics while the boxes enclosing them constitute
groups. At the top portion of the page 170 is a quote
look-up form 171. The quote look-up form 171 is made
up of three atomics, a "Quotes" title portion 171a, an
entry box 171b and a "Go" submission button 171c.
Further, the market graph 172a, table 172b, and
Fool.com advertisement 172c are each related atomics
and are grouped together to constitute group 172. In
addition, each element in the market graph 172a may
also be an atomic so that "NASDAQ" is an atomic,
"2756.27" is an atomic, the down arrow is an atomic
and "-5.48" is an atomic.

Jamtgaard, col. 13, lines 37-64.

The present office action further recites the following with respect to

"presentation tags indicating content presentation attributes":

A typical card builder may build the card corresponding
to the customized content and a typical deck builder
may build a deck of cards corresponding to the one or
more display screens that make up the content for the
particular information appliance. The deck of cards may
then be converted into a presentation format and
protocol for the particular information appliance and
sent to that information appliance.

Jamtgaard, col. 3, lines 2-8;

and

In the example shown, the content 20 may be an HTML
web page. The translation server 12 may include an
intelligent harvester 22, a tree synthesizer 26, a tree
analyzer 30, a card builder 32 and a deck builder 38
that generate a presentation shoe 38 that may be sent
to a particular information appliance 15.

Jamtgaard, col. 5, lines 29-34.

The present office action further refers to Wanderski and recites the following with respect to **"task tags which are in the content and which indicate blocks of the content which are optional"**:

> The dynamic factors may represent a user context, and this user context may comprise one or more of: one or more preferences of a user; a network connection of said user; a device type of said user; and a browser type of said user The dynamic generation of the DTD preferably further comprises: creating element declarations for each detected element in the dynamically-generated dialect; creating attribute declarations for each detected attribute in the dialect; and compacting said DTD.

Wanderski, col. 4, lines 60-67;

> and

> Block 330 uses the limitation and preference information (or other dynamic factors, as appropriate) gathered by Blocks 300, 310, and 320 to determine a set of transforms that are desirable in view of these factors. In the preferred embodiment, these desired transforms are dynamically selected for this particular user at the time the current document request is being processed. (The transforms are subsequently applied by the transformation engine.) Because the user's context may vary over time, this approach enables the transforms to be specifically tailored to a dynamically-changing context. Block 330 preferably creates a <USER-CONTEXT> element (or other syntax, as appropriate) in the input document, with subelements such as <USER>, <DEVICE>, and <NETWORK-BANDWIDTH> to reflect each dynamic factor in the user's context. FIG. 4 depicts an example syntax that may be used to specify the dynamic factors and values thereof. This element insertion to reflect preference and/or limitation data in the DOM tree results in an XML dialect which is generated dynamically at run-time.

Wanderski, col. 10, lines 48-67.

Applicant respectfully submits that the reliance on Jamtgaard in making the instant rejection is misplaced. As Applicant has previously endeavored

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to clarify, Jamtgaard is for a process that takes place **after** content has been authored. (See, Jamtgaard generally and those portions cited hereinabove). Jamtgaard relies on the concept of inferring relationships, which relationships are inferred, at least in part, based on syntactic relationships. Applicant respectfully submits that such "after-the-fact" inference is NOT instructive as to Applicant's claims. As may be seen in Claim 1, the present application is directed to and claims

> **a transformation engine for dynamically transforming content** received from the content server in real time ..., the transformation engine performing said transformation according to:
> **intention tags which are <u>in the content</u> and which capture non-presentation properties** of the content <u>as intended by an author</u>, including indicating relationships between blocks of content to be preserved in the transformed content,
> **task tags which are <u>in the content</u> and which indicate blocks of the content which are optional** or alternative for user device types, and
> **presentation tags indicating content presentation attributes.**

Hence, the claimed invention is following guidelines from the author of the document as evident **in the content**. In this regard, un-annotated content in the claimed invention will not and cannot be transformed. In stark contrast, in Jamtgaard, un-annotated content is precisely the content that is transformed. The inferential relations of Jamtgaard thus do not format according to what the author wanted, but rather formats based on what is inferred as what the author wanted. The claimed invention is literal and not inferential, and as such the **in the content** phraseology of the present claims is directed indicates that the content directive

exists as drafted by the author, and is transformed literally in accordance with the author's directive.

Applicant further respectfully notes that the combination of Jamtgaard and Wanderski is impermissible. Jamtgaard teaches transforming input content to produce output content. *See* Jamtgaard generally. Wanderski, on the other hand, teaches generating transformations – i.e., programs. *See* Wanderski generally. The present office action combines the two by stating that:

> the motivation would be to combine Wanderski's
> structure for providing the preferences of a user, and a
> device type with Jamtgaard's customized device type
> and support Jamtgaard intelligent harvesting and
> navigation system for the transformation system.

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Applicant respectfully submits that this combination is misplaced because Wanderski involves processing preferences that are developed <u>before</u> any content is processed, in order to produce a program that can perform transformations, while Jamtgaard processes to develop content. Thus, <u>one reference is a program producer and the other reference is a content producer</u>.

Applicant respectfully submits that Claim 1 is distinguishable over the presently cited art, at least for the reasons set forth hereinabove.

Further, Applicant respectfully submits that each of Claims 6 – 18, and 20 is similarly distinguishable over the presently cited art, at least by virtue of each claims' ultimate dependency upon a patentable base claim, namely Claim 1.

Applicant respectfully submits that Claim 21 is similarly distinguishable over the presently cited art, for at least the reasons set forth with respect to Claim 1.
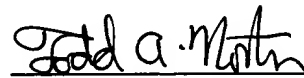
CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by Examiner and respectfully submits that the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully Submitted,

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